

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
No. 15-CR-35(1) (RHK/HB)

UNITED STATES OF AMERICA,

Plaintiff,

**MOTION TO MODIFY
RELEASE CONDITIONS**

v.

CHERNO NJIE,

Defendant.

Defendant Chernon Njie, by and through his undersigned counsel, respectfully moves the Court to modify his release conditions and permit him to live at home and rejoin his family in Lakeway, Texas. In support thereof, the following is asserted:

1. Mr. Njie was arrested on January 3, 2015.
2. Mr. Njie was charged by complaint filed in the United States District Court for the District of Minnesota on January 3, 2015.
3. Mr. Njie appeared in the United States District Court for the District of Maryland on January 5, 2015. The Court ordered Mr. Njie be detained by agreement of the parties without prejudice to either side requesting a prompt hearing to set appropriate conditions of release or otherwise address the detention of Mr. Njie.
4. Mr. Njie was subsequently transferred to a federal detention facility in Oklahoma. He remained detained in Oklahoma until he was transferred to the District of Minnesota for his first appearance on February 12, 2015.
5. Mr. Njie was indicted on February 2, 2015.

6. On February 12, 2015, the Court conducted a detention hearing in this matter. The Court ordered Mr. Njie released subject to \$1,000,000 appearance bond and stringent conditions, including, but not limited to, the following:

(j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary. The defendant shall pay 100% of the daily fee for the halfway house.

7. Mr. Njie was released following the hearing. He and his wife drove from Minnesota to the halfway house in Texas.

8. Mr. Njie has resided at the halfway house in Texas ever since.

9. Mr. Njie has followed every rule and restriction placed upon him by the Court, Pretrial Services, U.S. Probation Office, and the halfway house.

10. Mr. Njie's wife gave birth to their daughter earlier this year. Mr. Njie has been allowed to visit his wife and child at his home in Lakeway, Texas, so long as the internet access to the house is turned off while he is there.

11. Mr. Njie is hereby requesting the Court modify his conditions of release to allow him to reside at his home in Lakeway, Texas, rather than the halfway house.

12. Like the home visits, Mr. Njie will make sure to keep the internet access to his home turned off while he resides there.

13. Mr. Njie's counsel has discussed this matter with Assistant U.S. Attorney Charles Kovats who has authorized us to say the government does not object to Mr. Njie being allowed to reside at his home rather than the halfway house provided the other release conditions remain in effect.

14. United States Probation Officer Melissa Perez advises undersigned counsel that she has consulted with Stacie Salinas, the probation officer in Texas who supervises Mr. Njie, and Ms. Salinas supports the proposal to move Mr. Njie from the halfway house to his home provided he continue to remain at home without internet access. Ms. Perez also advises she will back whatever decisions Ms. Salinas makes.

15. The Bail Reform Act, 18 U.S.C. §3142, directs the Court to release a defendant subject to “the least restrictive . . . combination of conditions” that will reasonably assure the appearance of the defendant as required and the safety of the community. Counsel respectfully submits the condition that Mr. Njie seeks to modify – maintain residence at a halfway house – is not necessary to assure his appearance or the safety of the community.

16. It is counsel’s understanding Mr. Njie’s co-defendants in this case have been permitted to live in their homes while this case is pending. Mr. Njie is asking that he be treated similarly.

17. Mr. Njie’s record on conditional release further supports the relief he requests herein.

WHEREFORE, Mr. Njie respectfully requests the Court issue an Order modifying Mr. Njie’s conditions of release to allow him to reside at his home in Lakeway, Texas.

Respectfully submitted,

GASKINS BENNETT BIRRELL SCHUPP, LLP

Dated: 6-11-2015

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